

HOUSE BILL 2464

By Holsclaw

AN ACT to amend Tennessee Code Annotated, Title 69,
Chapter 3, relative to permits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-108(g), is amended by adding the following as a new subdivision (4) and renumbering the existing subdivision (4) accordingly:

(4)

(A) The commissioner shall not deny a permit application for sand or gravel dredging in the Tennessee River solely on the basis of absent or inadequate compensatory mitigation for habitat loss without the commissioner, in consultation with the applicant, identifying and considering practicable mitigation alternatives.

(B) As used in this subdivision (g)(4):

(i) "Practicable mitigation alternative" means a mitigation alternative that is available and capable of being implemented after taking into consideration cost, existing technology, and logistics in light of overall project purposes; and

(ii) "Sand or gravel dredging" means the extraction of sand or gravel from the bed of waters of the state, including by a cutter suction dredger or a grab dredger, and includes the sorting and loading of extracted materials on barges or other vessels.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.